IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 3430 of 2005

Between:

Smt. A. Prathima, W/o. Tata Rao,
R/o. Flat No. 140-B, Block No. 8, Janapriya Apartments, Brindavan Colony,
Saroornagar, Hyderabad- 500 035.

... PETITIONER

AND

1 The State of Andhra Pradesh, Rep. by its Special Chief

Secretary to the Revenue Department, Secretariat,

Hyderabad.
2 The District Collector, Ranga Reddy District, Khairatabad,
Hyderabad.
3 The District Registrar of Stamps & Registration, Ranga Reddy

District.
4 The Sub-Registrar, Champapet, Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Mandamus, and call for records pertaining to the order of Refusal of registration No. 87/2003 dated 20-5-2003 issued by the 4th respondent herein, and quash the impugned order No. 87/2003 dated 20-05-2003 of the 4th Respondent herein, declaring the same as unjust, illegal, arbitrary, discriminatory and violative of Articles 14 and the provisions of the Registration Act and the rules made thereunder, and consequently direct the 4th Respondent herein to effect registration, in accordance with the provisions of the Registration Act, in favour of the petitioner herein, of Plot No. 94 in Survey No. 59 Part, admeasuring 223 sq.yards in Ward No.8, Block No.6, Christian

Colony, situated Karmanghat village, Saroornagar Mandal, Ranga Reddy District, within the jurisdiction of the 4th Respondent herein, purchased from vendor Smt. G. Urmila, W/o. G. Buchi Reddy, R/o. Mamidipally village, Saroornagar Rev. Mandal, on 6th February, 2003, and pass such other order or further orders as this Hon'ble Court may deem fit and proper, in the circumstances of the case.

Counsel for the Petitioner: MR.S.A.CHARI

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

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ORDER:

The petitioner states that he purchased a plot bearing No.94 admeasuring 223 square yards in S.No.59, Ward No.8, Block No.6, Christian colony, situated at Karmanghat village, Saroornagar, Ranga Reddy District, and the sale deed dated 06.02.2003 executed by her vendor, Smt G.Urmila, was presented before the fourth respondent for registration. However, under the impugned order, dated 20-05-2003, the registration was refused on the ground that the Joint Collector, Ranga Reddy District vide Memo dated 15-09-2000 instructed not to entertain any registration in respect of the lands in Sy.Nos.57 to 60 of Karmanghat village, Saroornagar Mandal, Ranga Reddy District, stating that the said lands were declared as surplus lands. Subsequently, as per G.O.Ms.No.751 Revenue (Regn.I) Department, dated 12.12.2001, which was issued in exercise of powers conferred under Section 22-A of the Indian Registration Act, 1908 (for short "the Act"), as amended by the Registration (A.P. Amendment) Act, 1999, the registration of documents of immovable properties in the said Survey Numbers 57 to 60 was declared as opposed to public policy. However, fresh orders have been passed vide

G.O.Ms.No.807, Revenue, (Registration 1) Department, dated 13.10.2004, in exercise of powers conferred under Section 22-A denotifying the notification issued under G.O.Ms.No.751 dated 12.12.2001 in respect of the lands in Sy.Nos.57 to 60 of Karmanghat village.

In the light of the said G.O.Ms.No.807 dated 13.10.2004, learned counsel for the petitioner submits that there cannot be any further objection for registering with the document presented by the petitioner for registration.

It is also brought to my notice that an identical issue has been considered by this Court in W.P.No.8705 of 2002 and batch and on the basis of G.O.Ms.No.807, dated 13-10-2004, this Court disposed of the writ petitions with a direction to the respondents to release the documents presented by the petitioners therein after due registration.

Learned Government Pleader for Revenue does not dispute the fact that under G.O.Ms.No.807 dated 13.10.2004, the earlier notification issued in G.O.Ms.No.751 dated 12.12.2001 was denotified.

In the circumstances, the impugned order dated 20-05-2003 is set aside and the writ petition is disposed of with a direction to the respondents to release the document presented by the petitioner after due registration without reference to G.O.Ms.No.751, dated 12-12-2001. It is made clear that in case the registering authority finds any other objection, it is open to raise such objection, however the same shall be communicated to the petitioner within a period of four weeks from the date of receipt of this order. No costs.

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25.02.2005

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To

1 The Special Chief Secretary, Revenue Department,
State of Andhra Pradesh, Secretariat, Hyderabad.
2 The District Collector, Ranga Reddy District, Khairatabad,
Hyderabad.
3 The District Registrar of Stamps & Registration, Ranga Reddy

District.
4 The Sub-Registrar, Champapet, Ranga Reddy District.

5 2 CCs to G.P for Revenue, High Court Bldgs, Hyd. (OUT)

6 2 CD copies